

Case No. 88-151-SPHA
Eleanora E. Allori

Amended Order 3.

"IT IS FURTHER ORDERED that the removal of the vegetation necessary to provide this parking from 25% to 27% be and the same is GRANTED; and

"IT IS FURTHER ORDERED that the property owner agrees to restrict the adjoining 0.462 acre parcel from any further development; and

"IT IS FURTHER ORDERED that the approvals contained herein are conditioned upon compliance with the following restrictions:

"1. An infiltration trench should be provided to intercept runoff from the proposed parking area in order to minimize water quality impacts to the stream immediately adjacent to the parking area;

"2. That the natural area adjacent to the stream be stabilized and enhanced by suitable vegetative plantings;

"3. That effective erosion and sediment control measures be incorporated; and

"4. Covenants acceptable to the County, placed on the 0.462 acre parcel."

appeal from this decision must be made in accordance through B-13 of the Maryland Rules of Procedure."

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Laurence E. Schmidt

Henry H. Lewis

IN THE MATTER OF
THE APPLICATION OF
ELEANORA E. ALLORI
FOR SPECIAL HEARING AND
VARIANCE ON PROPERTY LOCATED
ON THE EAST SIDE OF YORK RD.,
460' NORTH OF CENTER LINE OF
QUAKER BOTTOM RD.
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 88-151-SPHA

OPINION

This case comes before this Board on Petition to allow 27% of R.C. zoned land to be covered by impermeable surfaces in lieu of the allowed 10% and the removal of natural vegetation from 41% of the R.C. 4 zoned land in lieu of the allowed 25%, and a variance to permit 103 parking spaces in lieu of the 38 now in existence. At this point, Petitioner entered as Exhibit No. 1, an amended plat addressing the above issues with testimony to authenticate this to be presented by their engineer.

In opening statements to the Board, Petitioner noted that a meeting had been held with all affected neighbors, with all proper county authorities and with the State Highway Administration, and certain agreements had been reached. The Board will state for the record that agreements reached between all parties do not necessarily mandate that the Petition be granted. The Board will give proper weight to the agreements but will assess the testimony and evidence as it applies to the Baltimore County Zoning Regulations and rule upon its compliance with those regulations.

Mr. Clarke Mackenzie testified as the property owner and noted that the property is now leased to the Milton Inn Corporation who operate a restaurant business. He noted that the building contains some 6,000 square feet, which would require 103 parking spaces, but that the restaurant can only seat 100 people and are therefore requesting only 77 parking spaces. He further testified that the property contains some .994 acres of B.L. zoning and some 2.290 acres of R.C. 4 zoning. He further testified that the parking problem

Eleanora E. Allori
Case No. 88-151-SPHA

was horrendous and parking now infringes on both sides of York Road and presents a dangerous situation to traffic on York Road and for customers in the restaurant. He testified that the only practical area to place the proposed additional parking was as evidenced on Petitioner's Exhibit No. 1, and explained the practical difficulty and the hardship if the requested variances were denied.

Mr. Charles Fick, President of George W. Stephens & Associates, Inc., a registered professional engineer, testified as to the revised site plan submitted to the Board. He testified that the new proposal would provide proper access to the site and that the State Highway had approved this access. He further testified that the property owner agrees to no further development of any kind on the remaining B.L. area, and therefore this area could be included in the calculations for the impermeable area restriction and the vegetation removal restriction. This calculation now reduces the impermeable area originally proposed at 27% to 12% and the vegetation removal area will be reduced from 41% to 27%, and that the parking variance is now reduced from 103 spaces to 77 spaces. He further testified that because of the existence of the present sewerage system and because of the topography of the site these were the only practical solutions to the problems encountered in trying to maintain this historic building and its use.

People's Counsel presented Paul Solomon, the Natural Resource Planner, and testified he has reviewed all those plans and is in agreement that the requested variances as proposed on Exhibit No. 1 should be granted. He further noted the importance of the historical aspect of this site and that it was his opinion that the revised plan addresses the spirit and intent of the County Regulations.

The Board will note that this building in some fashion has been in existence since 1740. Present owners are obviously dedicated to maintaining its historical significance. The amended site plan addresses the impermeable

Eleanora E. Allori
Case No. 88-151-SPHA

surface requirements, the vegetation removal requirements and proposes the minimum parking requirements. The Board is of the opinion that the denial of these variances would in fact be arbitrary and capricious and that the Petitioner has evidenced through testimony, practical hardship or unreasonable difficulty in preserving this site should these requests be denied and will therefore order the variances be granted.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of May, 1988, by the County Board of Appeals, ORDERED that the proposed 77 parking spaces as shown on Petitioner's Exhibit No. 1 be and the same are GRANTED, and

IT IS FURTHER ORDERED that the variance from 10% to 12% of the impermeable surface requirements as shown on Petitioner's Exhibit No. 1 be and the same is GRANTED, and

IT IS FURTHER ORDERED that the removal of the vegetation necessary to provide this parking from 25% to 27% be and the same is GRANTED, and

IT IS FURTHER ORDERED that the agreement to restrict the balance of the B.L. land from any further development whatsoever be noted in this Order.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Laurence E. Schmidt

Henry H. Lewis

IN THE MATTER OF
THE APPLICATION OF
ELEANORA E. ALLORI
FOR SPECIAL HEARING AND
VARIANCE ON PROPERTY LOCATED
ON THE EAST SIDE OF YORK ROAD,
460' NORTH OF CENTER LINE OF
QUAKER BOTTOM ROAD
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

AMENDED ORDER

The Board has received a request dated May 23, 1988 from the Petitioner herein to make certain changes in its Opinion and Order dated May 12, 1988. The changes involve clarification of the percentage of impermeable area and the restrictions on the use of that portion of the property zoned B.L. Upon due consideration of the proposed changes, the Board finds that these changes are insignificant and clerical in nature and therefore will so amend its Opinion and Order.

IT IS THEREFORE this 21st day of June, 1988 by the County Board of Appeals of Baltimore County ORDERED that the Board's Opinion and Order dated May 12, 1988 be amended as follows:

"1. Paragraph 2, page 2 is hereby deleted in its entirety and in lieu thereof the following is inserted:

"Mr. Charles Fick, President of George W. Stephens & Associates, Inc., a registered professional engineer, testified as to the revised site plan submitted to the Board. He testified that the new proposal would provide proper access to the site and that the State Highway had approved this access. He further testified that the property owner agrees to no further or future development of any kind on the adjoining 0.462 acre parcel zoned B.L., and therefore this area could be included in

Case No. 88-151-SPHA
Eleanora E. Allori

Amended Order 2.

the calculations for the impermeable area restriction and the vegetation removal restriction. This condition is agreed to by all parties and specifically noted in People's Counsel's Exhibit No. 1. This calculation now reduces the impermeable area originally proposed at 27% to 12% and the vegetation removal area will be reduced from 41% to 27%, and that the parking variance is now reduced from 103 spaces to 77 spaces. He further testified that because of the existence of the present sewerage system and because of the topography of the site these were the only practical solutions to the problems encountered in trying to maintain this historic building and its use."

"2. The following is inserted at the conclusion of the Board's findings of fact:

"...As agreed to by all parties and noted on People's Counsel's Exhibit No. 1, certain restrictions will be implemented in this Order."

"3. The Order of the Board dated May 12, 1988 is deleted in its entirety and in lieu thereof the following is inserted:

"For the reasons set forth in the foregoing Opinion, it is this 21st day of June, 1988 by the County Board of Appeals of Baltimore County ORDERED that the proposed 77 parking spaces as shown on Petitioner's Exhibit No. 1 be and the same are GRANTED; and

"IT IS FURTHER ORDERED that the variance from 10% to 12% of the impermeable surface requirements as shown on Petitioner's Exhibit No. 1 be and the same is GRANTED; and

Case No. 88-151-SPHA
Eleanora E. Allori

Amended Order 3.

"IT IS FURTHER ORDERED that the removal of the vegetation necessary to provide this parking from 25% to 27% be and the same is GRANTED; and

"IT IS FURTHER ORDERED that the property owner agrees to restrict the adjoining 0.462 acre parcel from any further development; and

"IT IS FURTHER ORDERED that the approvals contained herein are conditioned upon compliance with the following restrictions:

"1. An infiltration trench should be provided to intercept runoff from the proposed parking area in order to minimize water quality impacts to the stream immediately adjacent to the parking area;

"2. That the natural area adjacent to the stream be stabilized and enhanced by suitable vegetative plantings;

"3. That effective erosion and sediment control measures be incorporated; and

"4. Covenants acceptable to the County, placed on the 0.462 acre parcel."

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure."

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Laurence E. Schmidt

Henry H. Lewis

EE-151-SPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 21st day of June, 1988

Petitioner
Petitioner's
Attorney

Received by:
Zoning Commissioner
Planning Plans
Advisory Committee

88-151-SPHA

E/s York Rd., 460' N of c/l of Quaker Bottom Rd.
Eleanora E. Allori

2 SIGNS

ORDER RECEIVED FOR FILING

Testimony indicated that the subject property is located on York Road 500 feet north of Quaker Bottom Road in Sparks, Maryland. The property consists of 3.284 acres and has split zoning: B.L. zoning on 0.994 acres and R.C. 4 on 2.290 acres. See Petitioner's Exhibit 1 for existing zone boundaries.

granted.

Testimony indicated that there are currently 31 parking spaces and as a result of the limited parking, many of the Milton Inn patrons park on York Road. Clark MacKenzie indicated that the present parking situation is not in the best interests of their patrons' safety, particularly due to the width of the road at this location and the increase of traffic over the years. While the Petitioner is not aware of any accidents in the past which involved a patron of the Milton Inn, the Petitioner has requested the variances set forth above to enable its patrons to park off York Road and on the subject property.

Under the current BCZR, the Petitioner would be required to provide 103 parking spaces, if the Milton Inn did not enjoy a non-conforming use. The Petitioner has requested permission, under Section 409.4 of the BCZR to use part of

Additionally, the Petitioner presented a letter from the Greater Sparks-Glencoe Community Council addressed to Clark MacKenzie dated October 22, 1987 as evidence of the neighborhood's support of the Petitioner's effort to provide additional parking. (See Petitioner's Exhibit 4.)

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 20th day of November, 1997 that business parking in an R.C. 4 zone and the non-conforming status of the parking provided, be approved, and further, that 27% of the R.C. 4 zoned land may be covered by impermeable surfaces in lieu of the allowed 10% maximum and 41% of the natural vegetation may be removed in lieu of the allowed 25% maximum, both in accordance with Petitioner's Exhibit 1, and as such, the Petitions for Special Hearing and Zoning Variance be and are hereby GRANTED, subject, however, to the following restrictions:

- 3) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners shall hereby be made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 4) Lighting shall be erected so as not to reflect into adjacent residential areas or interfere with traffic.
- 5) Screening shall be provided in accordance with the Baltimore County Landscape Manual.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjs

APPEAL

Mr. Clark MacKenzie, President, Contract Purchaser
MacKenzie Properties, Inc.
2128 West Johns Road, Lutherville, Md. 21093

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

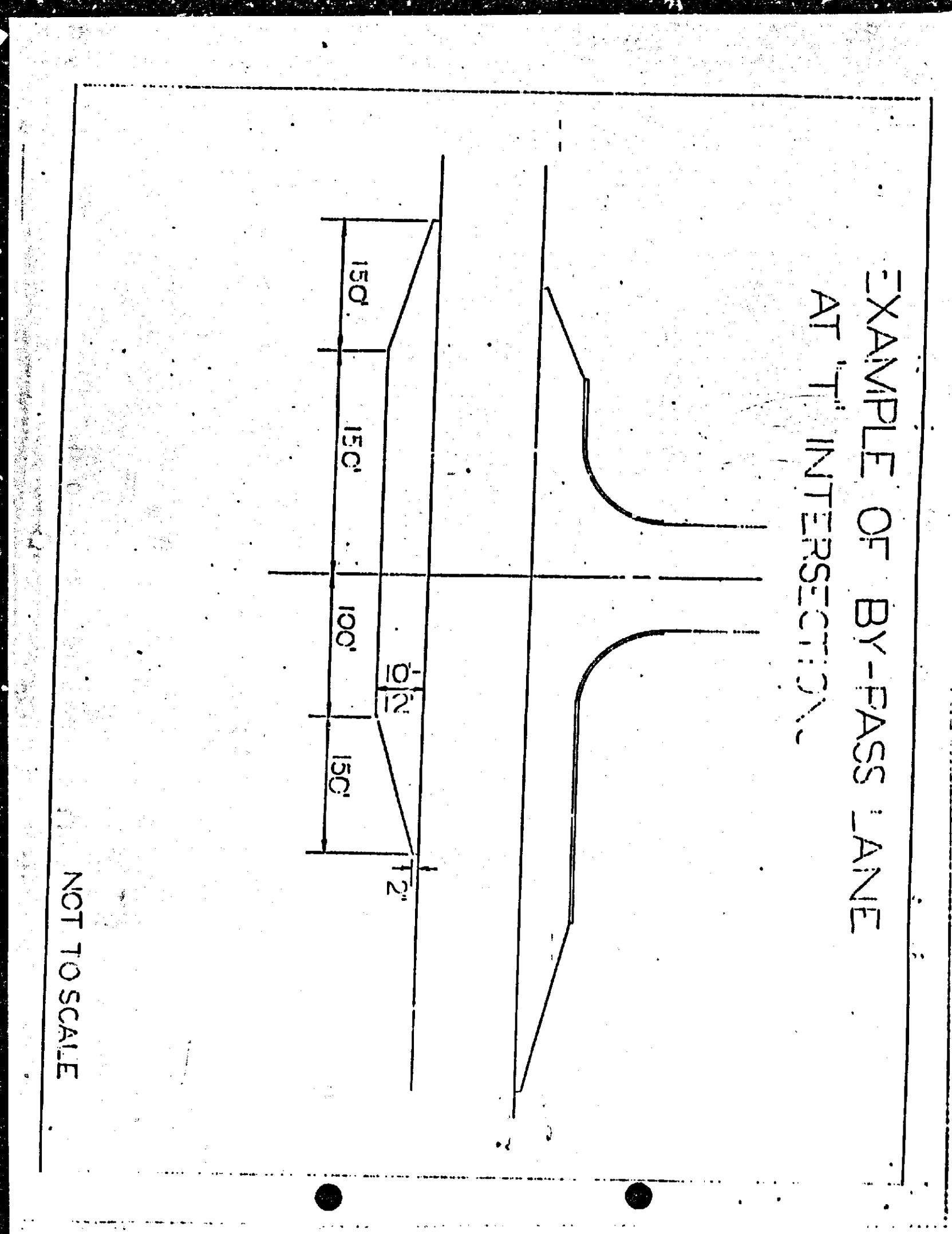
APPENDIX

Booklet Clerk
Phyllis J. Friedman, People's Counsel

Mr. Bruce M. Squire, Attorney for Plaintiff
c/o Mr. Squire, 1200 14th St. N.E.
Washington, D.C. 20002

Mr. Clark MacKenzie, President, Contract Purchaser
MacKenzie Properties, Inc.
300 West 10th St.,
Tulsa, Oklahoma 74103

ORDER RECEIVED FOR FILING



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 491-3180

HEARING ROOM #218

January 22, 1988

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-151-SPHA

ELE NORA E. ALLORI
E/S York Rd., 460' N of c/l of Quaker Bottom Rd.
8th E. Dist., 3rd C. Dist.

SPH-Parking
Var.-To allow 27% of RC-4 land to be covered by impermeable surfaces

11/20/87 - D.Z.C.'s Order-GRANTED w/restrictions

WEDNESDAY, MAY 4, 1988, at 10 a.m.

ASSIGNED FOR:

cc: R. Bruce Alderman, Esq.	Counsel for Petitioner
Mr. Clark MacKenzie	Contract Purchaser
David Fields	Planning Office
James Hoswell	"
J. Robert Haines	Zoning Office
Ann Nastarowicz	"
James Dyer	"
Locket Clerk	"
Phyllis C. Friedman	People's Counsel

June Holmen, Secretary

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
501 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

June 12, 1987
REVISED: August 11, 1987
Changed Title

Description to Accompany Petition for Special Hearing to Allow Parking in a Residential Zone, Confirm Nonconforming Status of Parking Provided and Variances, Containing 2.29 acres.

Beginning for the same at a point on the existing BL-RC4 Zoning Line, said point being measured North 13° 46' East 460 feet from the centerline intersection of York Road and Quaker Bottom Road; thence binding on the outlines of the herein petitioner the six following lines: 1) North 81° 55' East 14.30 feet, 2) South 6° 13' East 79.43 feet, 3) North 77° 48' 40" East 314.58 feet, 4) North 31° 38' 20" West 648.45 feet, 5) South 5° 10' East 156.75 feet and 6) South 81° 22' West 50.50 feet to intersect the aforementioned BL-RC4 Zoning Line, thence binding on said line the two following lines, 7) North 86° 35' 40" East 47.93 feet and 8) South 4° 04' 45" East 369.25 feet to the place of beginning.

Containing 2.29 acres of land more or less.

535

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
E/S York Rd., 460' N C/L Quaker Bottom Rd., 8th Election Dist.
ELEANORA F. ALLORI, Petitioner : Case No. 88-151-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 221, Court House
Towson, Maryland 21204
494-2158

OCT 2 1987
ZONING OFFICE

I HEREBY CERTIFY that on this 2nd day of October, 1987, a copy of the foregoing Entry of Appearance was mailed to R. Bruce Alderman, Esquire, White, Mindel, Clarke & Hill, The Susquehanna Bldg., 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner; and The Milton Inn Investors Ltd. Partnership, c/o MacKenzie Properties, Inc., 2328 W. Joppa Rd., Suite 200, Lutherville, MD 21093, Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

J. ROBERT HAINES
ZONING COMMISSIONER

October 21, 1987

R. Bruce Alderman, Esquire
White, Mindel, Clarke & Hill
The Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204

Re: PETITIONS FOR SPECIAL HEARING AND VARIANCE
E/S York Rd., 460' N of c/l of Quaker Bottom Rd.
Eleanora E. Allori - Petitioner
Case No. 88-151-SPHA

Dear Mr. Alderman:

This is to advise you that \$124.58 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by the County, Maryland; and remit \$124.58, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 37973

DATE October 20, 1987 ACCOUNT 01-615

AMOUNT \$ 124.58

RECEIVED FROM MacKenzie Management

FOR: Posting & Advertising Fee Case No. 88-151-SPHA

VALIDATION OR SIGNATURE OF CASHIER

R. Bruce Alderman, Esquire
White, Mindel, Clarke & Hill
The Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204

September 24, 1987

NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
E/S York Rd., 460' N of c/l of Quaker Bottom Rd.
8th Election District - 3rd Councilmanic District
Eleanora E. Allori - Petitioner
Case No. 88-151-SPHA

TIME: 2:00 p.m.
DATE: Thursday, October 29, 1987
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
Baltimore County

No. 37644

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 9/17/87 ACCOUNT 01-615-000

AMOUNT \$ 200.00

RECEIVED FROM White, Mindel, Clarke & Hill

FOR: Sp. + Var. #535

VALIDATION OR SIGNATURE OF CASHIER

YORK ROAD

Scale: 1" = 50'

VE DATA

PARKING DATA

VARIANCES

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE
E/S York Rd., 460' N C/L Quaker : OF BALTIMORE COUNTY
Bottom Rd., 8th Election Dist.
ELEANORA E. ALLORI, Petitioner : Case No. 68-151-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

RECEIVED
OCT 2 1987

ZONING OFFICE

I HEREBY CERTIFY that on this 2nd day of October, 1987, a copy of the foregoing Entry of Appearance was mailed to R. Bruce Alderman, Esquire, White, Mindel, Clarke & Hill, The Susquehanna Bldg., 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner; and The Milton Inn Investors Ltd. Partnership, c/o MacKenzie Properties, Inc., 2328 W. Joppa Rd., Suite 200, Lutherville, MD 21093, Contract Purchaser. *Peter Max Zimmerman*
Peter Max Zimmerman

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 16, 1987

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

R. Bruce Alderman, Esquire
White, Mindel, Clarke & Hill
The Susquehanna Avenue
Towson, Maryland 21204

RE: Item No. 535 - Case No. 68-151-SPHA
Petitioner: Eleanora E. Allori
Petitions for Zoning Variance and
Special Hearing

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commission with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

cc: G.W. Stephens, Jr. & Associates, Inc.
303 Allegheny Avenue
Towson, Maryland 21204

The Milton Inn Investors Limited Partnership
2328 West Joppa Road, Suite 200
Lutherville, Maryland 21093

Maryland Department of Transportation
State Highway Administration

RICHARD H. TRAINOR
Secretary
HAL KASSOFF
Administrator

September 14, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: ZAC Meeting of 6-30-87
ITEM: #535
Property Owner: Eleanora E. Allori
Location: E/S York Road, 460 Feet
N Centerline Quaker Bottom Road
Existing Zoning: R.C. 4
Proposed Zoning: Special Hearing
to approve business parking in an
R.C. 4 zone and a Variance to
allow 27% of the R.C. 4 zoned land
to be covered by impermeable
surfaces in lieu of the allowed
10% and 41% of the natural
vegetation to be removed in
lieu of the allowed 25%
Area: 2.29 Acres
District: 8th Election District
Revised Site Plan of 8-11-87

Dear Mr. Haines:

On review of the revised submittal of 8-11-87 for the "Milton Inn", the State Highway Administration - Bureau of Engineering Access Permits will require additional revisions to the zoning submittal.

State Highway Administration Type "A" concrete curb and gutter must be constructed along the frontage of the site (24' offset from centerline) with deceleration lane and acceleration to meet revised S.H.A. requirements.

The existing 36" BCCMP under York Road (Route 45) must be extended and modified to the east to accommodate the York Road improvements.

RECEIVED
SEP 17 1987

My telephone number is 333-1350 ZONING OFFICE

Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. R. Haines
Page - 2 -
Sept. 14, 1987

It is requested that the above information be forwarded to a hearing date being set.

Very truly yours,
Robert J. Mills, Jr.
Robert J. Mills, Jr.
Acting Chief
Bureau of Engineering
Access Permits

CJM:GW:maw

cc: G.W. Stephens & Assoc.

Maryland Department of Transportation
State Highway Administration

RICHARD H. TRAINOR
Secretary
HAL KASSOFF
Administrator

RECEIVED
SEP 28 1987

September 23, 1987

ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Md. 21204

Attn: Mr. James Dyer

Re: ZAC Meeting of 6-30-87
ITEM: #535
Property Owner: Eleanora E. Allori
Location: E/S York Road, 460 Feet
N Centerline Quaker Bottom Road
Existing Zoning: R.C. 4
Proposed Zoning: Special Hearing
to approve business parking in an
R.C. 4 zone and a Variance to
allow 27% of the R.C. 4 zoned land
to be covered by impermeable
surfaces in lieu of the allowed
10% and 41% of the natural
vegetation to be removed in
lieu of the allowed 25%
Area: 2.29 Acres
District: 8th Election District
Revised Site Plan of 8-11-87
"Amended Comment"

Dear Mr. Haines:

On September 21, 1987 the State Highway Administration - Bureau of Engineering Access Permits received a revised site plan showing required highway improvements at the "Milton Inn" on York Road, Route 45.

The State Highway Administration - Bureau of Engineering Access Permits finds the submittal generally acceptable and a copy of the submittal is being attached for your use.

All work within the S.H.A. Right-of-Way must be through S.H.A. permit with the posting of a bond or letter of credit in the amount of \$7,000.00 to guarantee construction.

Very truly yours,

Robert J. Mills, Jr.
Robert J. Mills, Jr.
Acting Chief
Bureau of Engineering
Access Permits

CJM:GW:maw

cc: G.W. Stephens & Assoc.

My telephone number is 333-1350 By: George Wittman

Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 535 Zoning Advisory Committee Meeting of 6-30-87

Property Owner: *Eleanora E. Allori* District *8*

Location: *E/S York Rd.*

Water Supply *private* Sewage Disposal *private*

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 1914-3775, to obtain required permits for such installation before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

WWQ 1 4/86

Zoning Item # 535 Zoning Advisory Committee Meeting of 6-30-87
Page 2

- () Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 424-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or Management at 424-3768.
- () Soil percolation tests (have been/must be) conducted.
() The results are valid until
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a hydrogeological study and an Environmental Effects Report must be submitted.
- () Others *existing well should be sealed or such a way as to protect it against mechanical damage etc.*

Karen D. Murray
KAREN D. MURRAY
Division of Water and Sewer
Department of Environmental Protection
and Resource Management

WWQ 2 4/86

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
94334

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 535
Property Owner: Eleanora E. Allori
Location: E/S York Road, 460 Feet
N Centerline Quaker Bottom Road
Existing Zoning: R.C. 4
Proposed Zoning: Special Hearing
to approve business parking in an
R.C. 4 zone and a Variance to
allow 27% of the R.C. 4 zoned land
to be covered by impermeable
surfaces in lieu of the allowed
10% and 41% of the natural
vegetation to be removed in
lieu of the allowed 25%
Area: 2.29 Acres
District: 8th Election District
Revised Site Plan of 8-11-87
"Amended Comment"

Dear Mr. Haines:

The State Highway Administration - Bureau of Engineering Access Permits finds the submittal generally acceptable and a copy of the submittal is being attached for your use.

All work within the S.H.A. Right-of-Way must be through S.H.A. permit with the posting of a bond or letter of credit in the amount of \$7,000.00 to guarantee construction.

Very truly yours,
Robert J. Mills, Jr.
Robert J. Mills, Jr.
Acting Chief
Bureau of Engineering
Access Permits

CJM:GW:maw

cc: G.W. Stephens & Assoc.

My telephone number is 333-1350 By: George Wittman

Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4300

Paul H. Reincke
Chief

July 2, 1987

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Eleanor E. Allori

Location: E/S York Rd., 460' N c/l Quaker Bottom Road

Item No.: 535

Zoning Agenda: Meeting of 6/30/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John J. Kelly* Noted and Approved: *John J. Kelly*
Planning Group Life Prevention Bureau
Special Inspection Division

/s/

Maryland Department of Transportation
State Highway Administration

RICHARD H. TRAINER
Secretary

HAL KASSOFF
Administrative

RECEIVED
JUL 7 1987

June 29, 1987

ZONING OFFICE

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Md. 21204

Attention: Mr. James E. Dyer

Re: ZAC Meeting of 6-30-87
ITEM: #535
Property Owner: Eleanor E. Allori
Location: E/S York Road, 460 feet
N Centerline Quaker Bottom Road
Existing Zoning: R.C. 4
Proposed Zoning: Special Hearing
to approve business parking in an
R.C. 4 zone and a Variance to allow
27% of the R.C. 4 zoned land to be
covered by impermeable surfaces in
lieu of the allowed 10% and 41% of
the natural vegetation to be removed
in lieu of the allowed 25%
Area: 2.29 acres
District: 8th Election District

Dear Mr. Jablon:

On review of the submittal of 6-17-87 for the "Milton Inn" the State Highway Administration offers the following comments.

The State Highway Administration is agreeable to the repaving of the existing parking area and entrance with no increased traffic generation. However, any increase to the parking area will require highway improvements to meet the approval of the State Highway Administration.

The improvements will consist of the following:

1. The construction of State Highway Administration Type "A" concrete curb and gutter along the frontage of the Milton Inn for a distance of 330'±, offset 31' from the centerline of York Road.
2. Construction of a bypass lane on the W/S of York Road - Route 45 for a total distance of 550' (12' wide).

My telephone number is (301) 333-1350

Telephone for the Hearing or Speech
383-7655 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
107 North Calvert St. Baltimore, Maryland 21203-0717

Mr. A. Jablon
Page -2-
June 29, 1987

3. Reconstruction of the entrance to be a minimum of 25' in width, with 10' radii.
4. Reconstruction and extension of the drainage pipe (36" BCCMP) under York Road (Route 45) to accommodate highway widening.

Be advised the above comments are preliminary and a easement agreement must be obtained for all work outside the State Highway Administration Right-of-Way, (66' existing) for drainage outfall and slopes.

It is requested the site plan be revised prior to a hearing date being set and all work within the State Highway Administration Right-of-Way must be through State Highway Administration permit with the posting of a bond or letter of credit to guarantee construction.

Very truly yours,

Charles Lee, Jr.

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle
Mackenzie & Associates, Inc.

November 20, 1987

R. Bruce Alderman, Esquire
White, Mindel, Clarke & Hill
The Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing and Zoning Variance
E/S York Road, 460' N of c/l of Quaker Bottom Road
8th Election District; 3rd Councilmanic District
The Milton Inn Investors Limited Partnership - Petitioner
Case No. 88-151-SPHA

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-referenced case. Your Petitions for Special Hearing and Zoning Variance have been granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. HASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMH:bja

Enclosures

cc: People's Counsel

File

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
E/S York Rd., 460' N of C/L :
of Quaker Bottom Rd., 8th :
Election District; 3rd :
Councilmanic District :

THE MILTON INN INVESTORS : Case No. 88-151-SPHA
LIMITED PARTNERSHIP, Petitioner :

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, under date of November 20, 1987, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 9th day of December, 1987, a copy of the foregoing Notice of Appeal was mailed to R. Bruce Alderman, Esquire, White, Mindel, Clarke & Hill, The Susquehanna Bldg., 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner.

RECEIVED
DEC 9 1987

ZONING OFFICE

Phyllis Cole Friedman
Phyllis Cole Friedman

December 22, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

Re: Petitions for Special Hearing and Zoning Variance
E/S York Road, 460' N of the c/l of Quaker Bottom Road
8th Election District; 3rd Councilmanic District
Eleanor E. Allori - Petitioner
Case No. 88-151-SPHA

Dear Board:

Please be advised that an appeal of the decision rendered in the above-referenced matter was filed on December 9, 1987 by People's Counsel for Baltimore County. All materials relative to the case are being forwarded to your office herewith.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions on the subject, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner

JRH:bja

cc: R. Bruce Alderman, Esquire, Attorney for Petitioner
White, Mindel, Clarke & Hill
The Susquehanna Building
29 W. Susquehanna Avenue
Baltimore, Maryland 21204

Mr. Clark Mackenzie, President, Contract Purchaser
Mackenzie Properties, Inc.
2328 West Joppa Road, Lutherville, Md. 21093

Phyllis Friedman, Esquire
People's Counsel of Baltimore County
Rm. 223, Old Courthouse
Towson, Maryland 21204

File

LAW OFFICES
WHITE, MINDEL, CLARKE & HILL
6th FLOOR, 29 W. SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204

1301 BFB-1050

October 7, 1987

Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing
Petition for Zoning Variance
E/S York Road, 460' N C/L Quaker
Bottom Road, Eighth Election District
Case No. 88-151-SPHA, Item No. 535

Dear Sir:

When the above-referenced Petitions were filed Eleanor E. Allori was the legal owner and The Milton Inn Investors Limited Partnership was the contract purchaser. Please be advised that Partnership was the legal owner of the property. Therefore, any correspondence, etc. should be sent to The Milton Inn Investors Limited Partnership and not to Eleanor Allori.

Sincerely yours,

R. Bruce Alderman

RBA/mvj

cc: Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire

RECEIVED
DEC 9 1987

ZONING OFFICE

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
101 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

June 12, 1987

Description to Accompany Petition for
Special Hearing to Allow Parking in a
Residential Zone and Variances,
Containing 2.29 acres.

Beginning for the same at a point on the existing BL-RC4 Zoning Line, said point being measured North 1° 46' East 460 feet from the centerline intersection of York Road and Quaker Bottom Road; thence binding on the outlines of the herein petitioner the six following lines: 1) North 81° 55' East 14.30 feet, 2) South 6° 13' East 79.43 feet, 3) North 77° 48' 40" East 314.58 feet, 4) North 31° 38' 20" West 648.45 feet, 5) South 5° 10' East 156.75 feet and 6) South 81° 22' West 59.50 feet to intersect the aforementioned BL-RC4 Zoning Line, thence binding on said line the two following lines, 7) North 86° 35' 40" East 47.93 feet and 8) South 4° 04' 45" East 369.25 feet to the place of beginning.
Containing 2.29 acres of land more or less.

James M. Stephens
6/17/87

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
Norman E. Gerber, AICP
FROM: Director of Planning and Zoning

Date: October 19, 1987

SUBJECT: Zoning Petition No. 88-151-SPHA

It is recommended that the petitioner's request be denied. This office is opposed to any variance to the standards governing the maximum coverage with impervious surfaces. We believe that this is a reasonable and worthwhile measure that helps prevent negative impacts to the environment.

Norman E. Gerber, AICP
Norman E. Gerber, AICP
Director of Planning and Zoning

NEG:HSK:dme

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OCT 26 1987
ZONING OFFICE

CPS-008

Letter/Mrs. Ann M. Nastarowicz
May 5, 1988
Page 2

Although I cannot speak for the Board, I feel that based upon the fact that we had worked out all the concerns with Peoples Counsel and the Department of Environmental Protection and Resource Management that we will receive a favorable decision. Phyllis Friedman, in the Office of Peoples Counsel, however, requested that I obtain a letter from your office which would basically state that your office would not approve any building permit which would encompass any construction or land disturbance activity on the restricted B. L. land noted on the plan unless said restriction was amended or eliminated sometime in the future with the approval of Baltimore County. I believe the intent of Mrs. Friedman is to provide some additional safeguard that, in fact, permits would not be released inadvertently on this portion of the property. It seemed to all of us that the best department to be involved in such a monitoring activity would be the Zoning Office since all of the case file is on record in your department and all permits must be approved by your department.

Inasmuch as we have had considerable delay in finally resolving this entire issue since your order was written, anything you can do to help expedite writing this letter would be greatly appreciated. I would assume that the letter should be addressed to Phyllis Friedman with copies to myself and Clark F. MacKenzie, & The Milton Inn Investors Limited Partnership, 2328 W. Joppa Road, Suite 200, Lutherville, MD 21093.

Thank you in advance for your cooperation in this matter and if you should have any questions, please do not hesitate to call.

Very truly yours,
Charles E. Fick
Charles E. Fick, P.E.,
President

CE:fvik

Encl.

cc: Clark F. MacKenzie

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Peter Zimmerman
TO: People's Counsel Office
Mr. Paul J. Solomon
FROM: Department of Environmental Protection
and Resource Management
SUBJECT: Milton Inn Parking Expansion
Impervious Area Limitation in RC-4

Date: May 3, 1988

This memo supersedes the memo dated and forwarded to you on February 12, 1988. It is similar to the February 12th memo except that item numbers 1 and 4 have been deleted and combined in a reconstructed item number 1. This change in item number 1 reflects the decision to replace a stream buffer requirement with a water quality management structure as reflected in the petitioner's plat entitled, "Plat to Accompany Petition for Special Exception" (88-151-SPHA) dated April 23, 1988.

As currently proposed, the expansion of the parking area on this commercial site will increase the impervious surface on this site 27%, well in excess of the 10% maximum. Additionally, removal of natural vegetation will be 41% greater in excess of the 25% maximum. In regard to the impervious surface issue, the petition agrees to covenant an adjoining 0.462 acre, commercially zoned parcel so that it will remain as an undeveloped, wooded tract. This reduces impervious surfaces to 12.5% of the combined parcels. It also reduces the removal of vegetative cover to 24.5% of the site.

I recommend that this arrangement be accepted as meeting the spirit of the RC-4 requirements since the deviation is minimal and because Milton Inn will be better secured as an historic landmark. This is acceptable if the following conditions are met:

1. An infiltration trench should be provided to intercept runoff from the proposed parking area in order to minimize water quality impacts to the stream immediately adjacent to the parking area;
2. That the natural area adjacent to the stream be stabilized and enhanced by suitable vegetative plantings;
3. That effective erosion and sediment control measures be incorporated; and
4. Covenants acceptable to the County, placed on the 0.462 acre parcel.

PJS:tjg

cc: Mr. Charles Fick
Mr. Rocky PowellPCF:
FMZ:

MA 04 1988
sh
noted

County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

June 21, 1988

Robert J. Amiller, Esquire
Suite 200, 2328 W. Joppa Road
Lutherville, MD 21093

RE: Case No. 88-151-SPHA
Eleanor E. Allori

Dear Mr. Amiller:

Enclosed is a copy of the Amended Order issued this date by the County Board of Appeals regarding the subject case.

Sincerely,

William C. Weidenhammer
William C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. Clark MacKenzie, President
MacKenzie Properties, Inc.
Charles E. Fick, P.E.
G. W. Stephens & Assoc., Inc.
Phyllis C. Friedman, Esquire
P. David Fields
James G. Heswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

GWS

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS
George William Stephens, Jr.
(1988-1987)

BE LAIR
200 EAST BROADWAY
NEW YORK, NEW YORK 10004
212 675 1000
212 675 1001

TOWSON
50 ALLEGHENY AVENUE
PO BOX 6028
TOWSON, MARYLAND 21204
301 954-8110

W. HARRY WOOD, JR., P.E.
TOWSON, MD 21204
301 954-8110
FRANK W. WOOD, JR., P.E.
301 954-8110
J. STEVEN WOOD, P.E.
TOWSON, MARYLAND 21204
301 954-8110
CHARLES E. WOOD, P.E.
301 954-8110
WALTER J. WOOD, P.E.
301 954-8110
WALTER F. WOOD, P.E.

May 5, 1988

Baltimore County
Department of Planning and Zoning

ATTN: Mrs. Ann M. Nastarowicz
Deputy Zoning Commissioner

RE: Milton Inn
Case 88-151-SPHA

Dear Mrs. Nastarowicz:

On November 20, 1987 you issued an order granting approval of a special hearing to park in a residential zone granting variances on percent of impervious services and percent removal of natural vegetation for the subject project. Peoples Counsel took an appeal and the case was heard on May 4, 1988 by the Board of Appeals. In essence, Peoples Counsel filed the appeal so as not to allow a precedent to be set in the RC 4 zone. After considerable negotiation and plan modification which primarily dealt with the Baltimore County Department of Environmental Protection and Resource Management, the plan was revised to reduce the requested variance percentages and, at the same time, placing restrictions on an existing B. L. portion of the same property. The effect of placing restrictions on this 0.462 acre B. L. land was to provide additional area to the R. C. - 4 land so as to reduce the overall percentages.

I am enclosing a copy of the Plat which was submitted to the Board of Appeals for the hearing on May 4, 1988. You will note on the Plat that there are certain restrictions enumerated which deal with that portion of the B. L. land set aside.

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MAY 9 1988
ZONING OFFICE

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GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS
1000 W. BALTIMORE AVE.
BALTIMORE, MARYLAND 21204
(410) 524-1200

TOWSON
1000 W. BALTIMORE AVE.
BALTIMORE, MARYLAND 21204
(410) 524-1200

W. LARRY DOWD, JR., P.E.
CHARLES E. FICK, P.E.
FRANK W. TAYLOR, JR., P.E.
JAMES J. DOWD, JR., P.E.
TERRY L. DOWD, JR., P.E.
CHARLES E. FICK, P.E.
FRANK W. TAYLOR, JR., P.E.
JAMES J. DOWD, JR., P.E.
TERRY L. DOWD, JR., P.E.

County Board of Appeals
Baltimore County
Room 200
Court House
Towson, Maryland 21204

ATTN: Mr. William T. Hackett,
Chairman

May 23, 1988

RE: Case Number 88-151-SPHA
The Milton Inn

I am in receipt of a copy of your order for the Subject Case dated May 12, 1988 granting the petition of the owner, The Milton Inn Investors Limited Partnership, to allow parking in a residential zone and certain variances. As a representative of the owner, I note certain discrepancies in the order which on behalf of the owner I would request be modified. The changes that are necessary are as follows:

1. Referring to the marked up copy of Page 2 of that order, "He further testified that the property owner agrees to no further development of any kind on the remaining B. L. area," should be changed to: He further testified that the property owner agrees to no further development of any kind on that portion of the remaining B. L. property labeled Restricted Area and consisting of 0.462 acres plus or minus. I am enclosing a copy of Exhibit 1 which highlights the restricted area, the description of that area and the restrictions that apply to the area.
2. Again on Page 2 of the order, the sentence "This calculation now reduces the impermeable area originally proposed at 27% to 12%", should be changed to: This calculation now reduces the impermeable area originally proposed at 27% to 12.5%. The vegetation removal area remains as stated in the order.

Letter/Mr. William T. Hackett
May 23, 1988
Page 2 of 2

3. On Page 3 of the order the sentence, "IT IS FURTHER ORDERED that the variance from 10% to 12%" should be changed to: IT IS FURTHER ORDERED that the variance from 10% to 12.5%.
4. Again on Page 3 of that order the sentence, "IT IS FURTHER ORDERED that the agreement to restrict the balance of the B. L. land" should be changed to: IT IS FURTHER ORDERED that the agreement to restrict the 0.462 acre portion of the remaining B. L. land.

I apologize for any confusion which may have resulted from testimony; however, the exhibit clearly indicated the 12.5% impermeable surface variance and that the restriction applied only to that portion of the B. L. land labeled Restricted Area - 0.462 Acres. I would appreciate it if a new order could be drawn up with these corrections so as to avoid any problems in the future when we submit site plans and apply for permits, etc. If you have any questions concerning the above, please do not hesitate to call.

Very truly yours,
Charles E. Fick
Charles E. Fick, P.E.,
President

CEP:vik

Encl.

cc: Robert Aumiller
MacKenzie and Associates

RECEIVED
COUNTY BOARD OF APPEALS
MAY 20 1988



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
May 12, 1988

R. Bruce Alderman, Esq.
White, Mandel, Clarke & Hill
The Susquehanna Building
29 W. Susquehanna Avenue
Towson, Maryland 21204

RE: Case No. 88-151-SPHA
Eleanora E. Allori

Dear Mr. Alderman:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above matter.

Very truly yours,

June Holman
June Holman, Secretary

Encl.

cc: Clark MacKenzie
Phyllis C. Friedman
David Fields
James Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk

1/22/88 - Following notified of hear. set for Wed. May 4, 1988, at 10 a.m.

R. Bruce Alderman
Clark MacKenzie
David Fields, J. Hoswell
Robt. Haines, A. Nastarowicz, J. Dyer, Doc. Clerk
Phyllis C. Friedman

Eleanora E. Allori
Case No. 88-151-SPHA

surface requirements, the vegetation removal requirements and proposes the minimum parking requirements. The Board is of the opinion that the denial of these variances would in fact be arbitrary and capricious and that the Petitioner has evidenced through testimony, practical hardship or unreasonable difficulty in preserving this site should these requests be denied and will therefore order the variances be granted.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of May, 1988, by the County Board of Appeals, ORDERED that the proposed 77 parking spaces as shown on Petitioner's Exhibit No. 1 be and the same are GRANTED, and

IT IS FURTHER ORDERED that the variance from 10% to 12.5% of the impermeable surface requirements as shown on Petitioner's Exhibit No. 1 be and the same is GRANTED, and

IT IS FURTHER ORDERED that the removal of the vegetation necessary to provide this parking from 25% to 27% be and the same is GRANTED, and

IT IS FURTHER ORDERED that the agreement to restrict the balance of the B.L. land from any further development whatsoever be noted in this Order.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

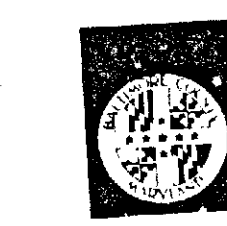
Phyllis C. Friedman
Phyllis C. Friedman, Secretary

Henry H. Lewis
Henry H. Lewis, Clerk

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

December 22, 1987



Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petitions for Special Hearing and Zoning Variance
E/S York Rd., 460' N of the C/L of Quaker Bottom Road
8th Election District; 3rd Councilmanic District
Eleanora E. Allori - Petitioner
Case No. 88-151-SPHA

Dr. rd:

Please be advised that an appeal of the decision rendered in the above-referenced matter was filed on December 9, 1987 by People's Counsel for Baltimore County. All materials relative to the case are being forwarded to your office herewith.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions on the subject, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

cc: R. Bruce Alderman, Esquire, Attorney for Petitioner
White, Mandel, Clarke & Hill
The Susquehanna Building
29 W. Susquehanna Avenue
Baltimore, Maryland 21204

Mr. Clark MacKenzie, President, Contract Purchaser
MacKenzie Properties, Inc.
2328 West Joppa Road, Lutherville, Md. 21093

Phyllis Friedman, Esquire
People's Counsel of Baltimore County
Rm. 223, Old Courthouse
Towson, Maryland 21204

File

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
E/S York Rd., 460' N of C/L :
of Quaker Bottom Rd., 8th :
Election District; 3rd :
Councilmanic District :
Case No. 88-151-SPHA
THE MILTON INN INVESTORS :
LIMITED PARTNERSHIP, Petitioner :
: : : : :
NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, under date of November 20, 1987, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 9th day of December, 1987, a copy of the foregoing Notice of Appeal was mailed to R. Bruce Alderman, Esquire, White, Mandel, Clarke & Hill, The Susquehanna Bldg., 29 W. Susquehanna Ave., Towson, MD 21204, Attorney for Petitioner.

RECEIVED
DEC 9 1987
ZONING OFFICE

Phyllis Cole Friedman
Phyllis Cole Friedman

IN THE MATTER OF :
THE APPLICATION OF :
ELEANORA E. ALLORI :
FOR SPECIAL HEARING AND :
VARIANCE ON PROPERTY LOCATED :
ON THE EAST SIDE OF YORK RD., :
460' NORTH OF CENTER LINE OF :
QUAKER BOTTOM RD. :
8th ELECTION DISTRICT :
3rd COUNCILMANIC DISTRICT :
: : : : :
BEFORE :
COUNTY BOARD OF APPEALS :
: : : : :
OF :
BALTIMORE COUNTY :
: : : : :
No. 88-151-SPHA

OPINION

This case comes before this Board on Petition to allow 27% of R.C. zoned land to be covered by impermeable surfaces in lieu of the allowed 10% and the removal of natural vegetation from 41% of the R.C. 4 zoned land in lieu of the allowed 25%, and a variance to permit 103 parking spaces in lieu of the 38 now in existence. At this point, Petitioner entered as Exhibit No. 1, an amended plat addressing the above issues with testimony to authenticate this to be presented by their engineer.

In opening statements to the Board, Petitioner noted that a meeting had been held with all affected neighbors, with all proper county authorities and with the State Highway Administration, and certain agreements had been reached. The Board will state for the record that agreements reached between all parties do not necessarily mandate that the Petition be granted. The Board will give proper weight to the agreements but will assess the testimony and evidence as it applies to the Baltimore County Zoning Regulations and rule upon its compliance with those regulations.

Mr. Clarke MacKenzie testified as the property owner and noted that the property is now leased to the Milton Inn Corporation who operate a restaurant business. He noted that the building contains some 6,000 square feet, which would require 103 parking spaces, but that the restaurant can only seat 103 people and are therefore requesting only 77 parking spaces. He further testified that the property contains some .94 acres of B.L. zoning and some 1.290 acres of R.C. 4 zoning. He further testified that the parking problem

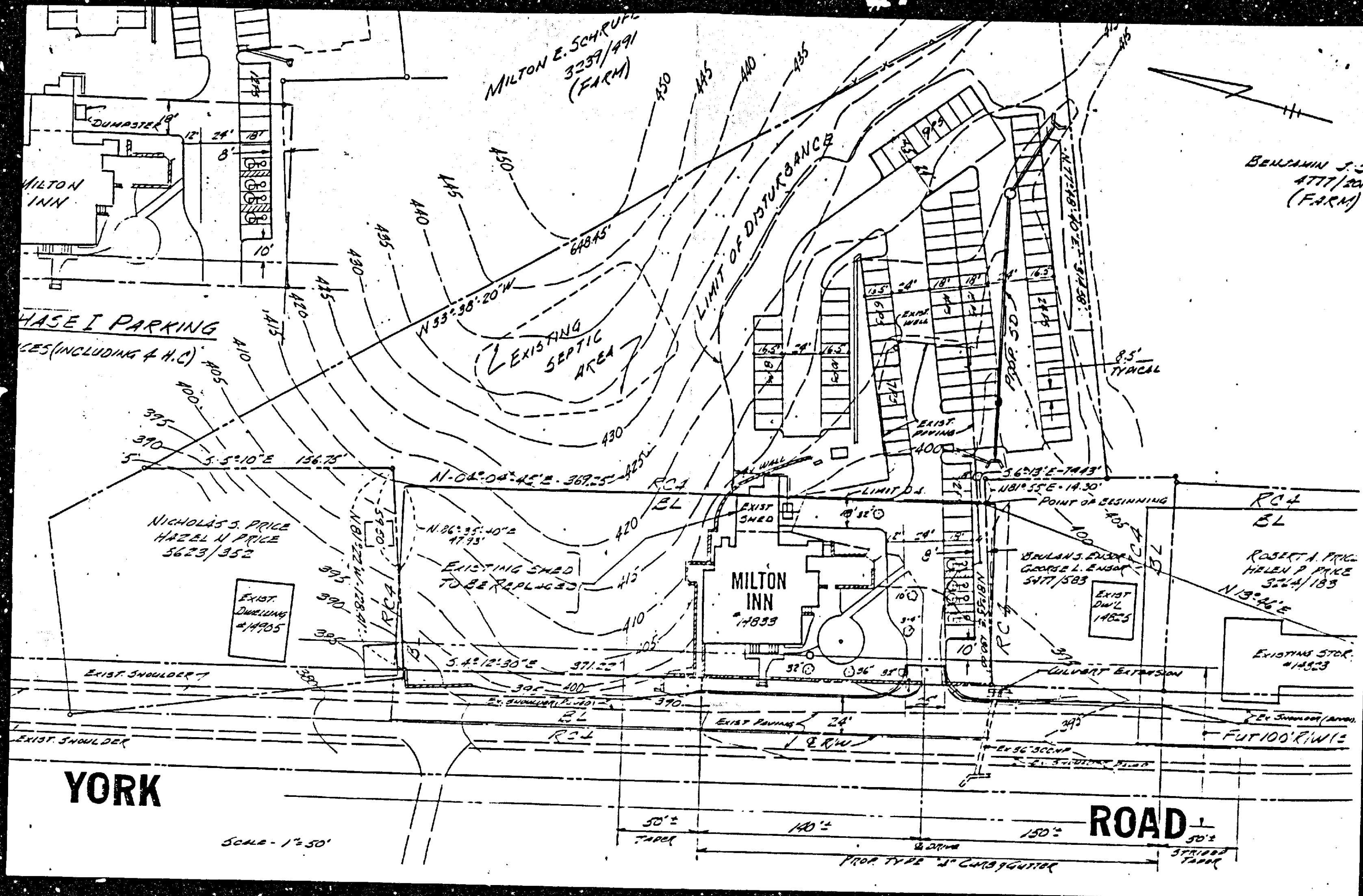
Eleanora E. Allori
Case No. 88-151-SPHA

was horrendous and parking now infringes on both sides of York Road and presents a dangerous situation to traffic on York Road and for customers in the restaurant. He testified that the only practical area to place the proposed additional parking was as evidenced on Petitioner's Exhibit No. 1, and explained the practical difficulty and the hardship if the requested variances were denied.

Mr. Charles Fick, President of George W. Stephens & Associates, Inc., a registered professional engineer, testified as to the revised site plan submitted to the Board. He testified that the new proposal would provide proper access to the site and that the State Highway had approved this access. He further testified that the property owner agrees to no further development of any kind on the remaining B.L. area, and therefore this area could be included in the calculations for the impermeable area restriction and the vegetation removal restriction. This calculation now reduces the impermeable area originally proposed at 27% to 12.5% and the vegetation removal area will be reduced from 41% to 37%, and that the parking variance is now reduced from 103 spaces to 77 spaces. He further testified that because of the existence of the present sewerage system and because of the topography of the site these were the only practical solutions to the problems encountered in trying to maintain this historic building and its use.

People's Counsel presented Paul Solomon, the Natural Resource Planner, and testified he has reviewed all these plans and is in agreement that the requested variances as proposed on Exhibit No. 1 should be granted. He further noted the importance of the historical aspect of this site and that it was his opinion that the revised plan addresses the spirit and intent of the County Regulations.

The Board will note that this building in some fashion has been in existence since 1740. Present owners are obviously dedicated to maintaining its historical significance. The amended site plan addresses the impermeable



CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 7, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 7, 1987

TOWSON TIMES,
Susan Sander Obrert
Publisher

PETITION FOR SPECIAL HEARING AND VARIANCE
Case No. 88-151-SPHA

LOCATION: East side of York Road, 800 feet North of Corner of Chase and York Roads, Towson, Baltimore County, Maryland. The subject property is a portion of the 100-acre parcel owned by the Baltimore County Department of Public Works and is currently used as a parking lot. The proposed variance is for the purpose of allowing the use of the property as a parking lot for the proposed development.

BY ORDER OF
J. ROBERT HAINES
Zoning Commissioner
Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 8, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct 8, 1987

THE JEFFERSONIAN,
Susan Sander Obrert
Publisher

PETITION FOR SPECIAL HEARING AND VARIANCE
Case No. 88-151-SPHA

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BY ORDER OF
J. ROBERT HAINES
Zoning Commissioner
Baltimore County

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 10/13/87

Posted for: Special Hearing & Variance

Petitioner: Elizabeth E. Allen

Location of property: 14133 York Rd.

Location of Signs: Corner York Rd. approx. 6' from intersection

Remarks: Property of Petitioner

Posted by: [Signature] Date of return: 10/16/87

Number of Signs: 2

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 10/13/87

Posted for: Appeal

Petitioner: Elizabeth E. Allen

Location of property: 14133 York Rd.

Location of Signs: Corner York Rd. approx. 6' from intersection

Remarks: Property of Petitioner

Posted by: [Signature] Date of return: 10/16/87

Number of Signs: 2